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**UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF NEW JERSEY**

<b>IN RE:</b>	<b>:CHAPTER 13 BANKRUPTCY</b>
	<b>:CASE NO.: 11-41413-MBK</b>
<b>Carmen Lawrence Aiello and</b>	<b>:</b>
<b>Madeline Marion Aiello,</b>	<b>:Judge: Michael B. Kaplan, U.S.B.J.</b>
	<b>:</b>
<b>Debtor(s)</b>	<b>:</b>

**OBJECTION TO CONFIRMATION**

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**Barry W. Frost**, Chapter 7 Trustee, by and through his attorneys, Teich Groh, hereby objects to the confirmation of the modified plan filed by the Debtors on July 11, 2013 (#108 on the court docket), on the following grounds:

1. The Plan does not provide for payment of 100% to general unsecured creditors. The Debtors sought to re-convert to a Chapter 13 because the Chapter 7 Trustee was seeking to sell their interest in unencumbered commercial real estate. It was anticipated that there would be more than enough money to pay creditors 100% of their claims.
2. The Plan is not proposed in good faith. As explained above, it should provide for 100% to unsecured creditors. Instead, it provides for a *pro rata* distribution.
3. The Plan proposes that the Debtors' property revert upon confirmation. In light of the circumstances of this case, the property should not revert until discharge.
4. The order allowing re-conversion also directed that a *lis pendens* be filed on

the real property located at 2338 Route 4, Fort Lee, New Jersey 07024. The Plan should not be confirmed unless and until the *lis pendens* is recorded on the property.

For all of the above reasons, the undersigned, on behalf of the Chapter 7 Trustee, **Barry W. Frost**, urges the court to deny confirmation of the Debtors' Chapter 13 plan and to re-convert this matter to a Chapter 7 proceeding.

**TEICH GROH**  
**Attorneys for Chapter 7 Trustee,**  
**Barry W. Frost**

**Dated: July 30, 2013**

By: *Carol L. Knowlton*  
**Carol L. Knowlton**